

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CASE NO. 2019-0061  
(TWO COUNTS)

APRIL MILLER

AMENDED PETITION TO ENTER PLEA OF GUILTY

NAME: APRIL MILLER SOC. SEC. NO. [REDACTED] AGE: 28

DATE OF BIRTH: [REDACTED] EDUCATION: 13th

CHARGE: MANSLAUGHTER CHARGE: CONSPIRACY

MAXIMUM PENALTY: TWENTY (20) YEARS MAXIMUM PENALTY: FIVE (5) YEARS

MINIMUM PENALTY: N/A MINIMUM PENALTY: N/A

PRIOR CONVICTIONS (list charge and date of each): NONE

PLEA OFFER: REQUESTING CREDIT FOR TIME SERVED; \$1,000; \$ 336 COURT COSTS, \$250 DA INVESTIGATIVE FEES, \$500 CVCF, \$350.00 WASHINGTON COUNTY IN LIEU OF ATTORNEY'S FEES.

Defendant was in pre-trial detention from November 2, 2017 until August 25, 2021, approximately 1,387 days.

I, APRIL MILLER, being mentally competent, and not being under the influence of any drugs or alcohol, do hereby request the Court to allow me to enter a plea of guilty to the above-mentioned charge. I have been indicted or have waived indictment and present myself on a Bill of Information and wish to enter a plea of guilty to the crime with which I have been charged.

The facts of the crime committed by me are as follows: On or July 19, 2017, I was in a car with others who participated in the death of Mr. Freddie Formogoni.

I understand the minimum and maximum sentence the Court can give me for this are listed above and that the Court is not bound by the recommendations of the district attorney and may sentence me to the maximum allowable by law.

Restitution in the amount of \$\_\_\_\_\_.

No promises have been made to me regarding a lighter sentence, preferred treatment or anything of value to induce me to petition this Court to enter a guilty plea. I have not been subjected to any duress, pressure, threat or coercion by any person to enter this petition.

I am satisfied with the services of my attorney, and believe my attorney has acted in my best interest in my case.

By pleading guilty to the charge(s) against me, I give up the following rights guaranteed to me by the Constitution of the United States of America and by the Constitution of the State of Mississippi:

- (a) the right to a speedy and public trial by jury;
- (b) the right to see, hear and face in open court all witnesses called to testify against me and the right to cross-examine those witnesses;
- (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor;
- (d) the right to have the assistance of a lawyer at all stages of the proceedings;
- (e) the presumption of innocence, i.e., the State must prove beyond a reasonable doubt that I am guilty;
- (f) the right to testify, or not testify and thereby incriminate myself, at my sole option and, if I do not testify, the jury will be instructed that this should not be held against me; and
- (g) the right to appeal the sentence given by the Court.

I present this petition of my own free will and accord and have executed same on this the 23<sup>rd</sup> day of

Sept, 2021.

  
DEFENDANT

STATE OF MISSISSIPPI  
COUNTY OF WASHINGTON

**AFFIDAVIT**

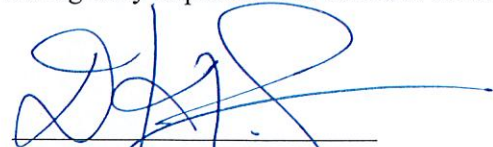
The undersigned defendant states as follows: That the foregoing Petition to Enter Plea of Guilty was signed with the full knowledge of its contents and with the full knowledge that every person who shall willfully and corruptly swear, testify, or affirm falsely to any material matter under oath, affirmation, or declaration legally administered in any matter, cause, or proceeding in any court of law or equity shall upon conviction be punished by imprisonment in the penitentiary not exceeding ten (10) years.

  
DEFENDANT

STATE OF MISSISSIPPI  
COUNTY OF WASHINGTON

**AFFIDAVIT**

**PERSONALLY APPEARED** before me, a notary public in and for the jurisdiction aforesaid, the undersigned attorney for the defendant herein, who being by me first duly sworn, states on oath as follows: That he/she personally witnessed the signature of the above defendant after having fully explained the contents of this *Petition to Enter Plea Guilty* to said defendant.

  
ATTORNEY AT LAW

SWORN TO AND SUBSCRIBED before me, this the 23<sup>rd</sup> day of September, 2021.

  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_





CERTIFICATE OF COUNSEL

The undersigned, as attorney and counselor for the above defendant, hereby certify:

1. I have read and fully explained to the defendant the allegations contained in the indictment or information in this case;

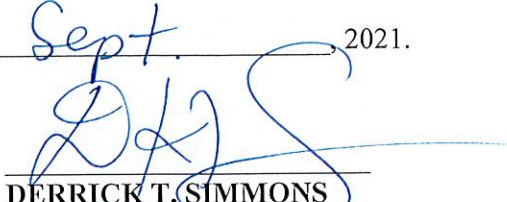
2. To the best of my knowledge and belief the statements made by the defendant in the foregoing petition are correct;

3. I have explained the maximum and minimum penalties for each count to the defendant and consider him/her competent to understand the subject charges and the effect of this petition to enter a plea of guilty;

4. The plea of guilty offered by the defendant accords with my understanding of the facts related to me by the defendant and is consistent with my advice to the defendant, and, in my opinion, the plea of guilty as offered by the defendant, is voluntarily and understandingly made.

I recommend that the Court accept the plea of guilty by the defendant. I am satisfied, and hereby certify, in my opinion, that the defendant is mentally and physically competent and that there is no known condition which would affect the defendant's understanding of these proceedings. I further certify that I have no reason to believe that the defendant is presently under the influence of drugs or intoxicants.

This the 23<sup>rd</sup> day of Sept., 2021.

  
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